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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,314	10/27/2003	Edgar Hoppe	070255.0630	3551
86528	7590	08/23/2010		
King & Spalding LLP 401 Congress Avenue Suite 3200 Austin, TX 78701			EXAMINER NGUYEN BA, HOANG VU A	
			ART UNIT 2421	PAPER NUMBER
			NOTIFICATION DATE 08/23/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

AustinUSPTO@kslaw.com  
AustinIP@kslaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/694,314	<b>Applicant(s)</b> HOPPE ET AL.	
	<b>Examiner</b> Hoang-Vu A. Nguyen-Ba	<b>Art Unit</b> 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to amendment filed on June 1, 2010.
2. Claims 1-33 remain pending. Claims 1, 16, 17 and 19 are independent claims.

### ***Response to Amendments***

3. Per Applicants' request, Claims 1, 8, 16, 17, 19 and 26 have been amended.
4. The rejection of claims 1, 8, 16, 17, 19 and 26 under 35 U.S.C. § 112, second paragraph is withdrawn in view of Applicants' amendments to these claims to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

### ***Response to Arguments***

5. Applicants' arguments in the Remarks have been fully considered but they are moot in view of the new ground of rejection.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5, 7, 16-17, 19, 21, 23 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,161,934 to Buchsbaum in view of JP publication no. 2002-288353 by Sawaichi et al. ("Sawaichi") (cited by Applicants in IDS filed February 9, 2010) and further in view of U.S. Patent No. 7,380,260 to Billmaier et al. ("Billmaier").

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**Claim 1**

Buschbaum discloses at least *a method for information exchange, comprising the steps of:*

*operating an information exchange system (see at least 2:39-4:7) including a production studio (see at least 2:42-44; e.g., the source) coupled to remote data processing equipment (see at least 2:65-66; e.g., the client) by both (a) a satellite connection (see at least 2:42-44; 3:2-7, 27-31) and (b) a non-satellite connection separate from the satellite connection (see at least 2:65-67; 3:8-12, 20-21; e.g., the return channel being separate from the satellite channel—3:4-5, 29-31, 61; 3:59-61);*

*producing information transmissions in a broadcast standard (see at least 2:42-45, 58-61; 3:1-6).*

Buschbaum does not specifically disclose *the information transmission including (a) a real-time video stream and (b) non-video data.*

However, in an analogous art, Sawaichi discloses in the Description of the Prior Art section ([0002-0010] and FIG. 8; [0040] mentions real-time video information) that the uses of bidirectional video conference and remote educational systems using communications satellite and the Internet are known in the art at the time of the invention for the purpose of solving the problem of the transmission time delay incurred by the bidirectional video conference system using the Internet alone over a large distance. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Sawaichi with Buschbaum for the purpose discussed above.

Buschbaum-Sawaichi further discloses:

*sending the information transmissions live from the production studio*  
(Buschbaum; see at least 3:1-6);

*digitizing the sent information transmissions and then transmitting the digitized informations via the satellite connection as IP multicast packets* (Buschbaum; see at least 1:49-59; 2:43-44, 58-61; 3:1-6, 22-35).

Buchbaum-Sawaichi does not specifically disclose:

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*receiving the information transmission by a TV decoder and feeding them into a data and/or communications network for delivery to the remote data processing equipment.*

However, in an analogous art, Billmaier teaches a Media Center Extension (MCX) that can be integrated within a set top box (STB) and receives broadcast information from the broadband network 103 and transmits the received processed information to a television or PC via the home network 406 (see at least FIG. 5, device 404; [0053-0057]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the system taught by Billmaier in that of Buchsbaum-Sawaichi because the system of Billmaier applied in Buchsbaum-Sawaichi would greatly improve the interactive capability of the Buchsbaum-Sawaichi system.

Buchsbaum-Sawaichi-Billmaier further discloses:

*displaying the information transmission received via the satellite at a display device of the remote data processing equipment, including displaying both (a) the satellite-transmitted real-time video stream and (b) the satellite-transmitted non-video data* (Sawaichi; see at least [0002-0010] and FIG. 8, e.g., the claimed *non-video data* is interpreted to be Sawaichi's digital data).

*receiving via a user input of the remote data processing equipment user interaction with the satellite-transmitted non-video data displayed at the display device of the remote data processing equipment* (Sawaichi; FIG. 8, the claimed *user input* is being interpreted to be the Sawaichi's participant camera) *and*

*transmitting the user interaction with the satellite-transmitted non-video data from the remote data processing equipment to the production studio via the non-satellite connection, such that a real-time interactive communication is established between the satellite-transmitted information transmission and the non-satellite-transmitted use interaction* (Sawaichi; see at least [0002-0010] and FIG. 8; [0040] mentions real-time video information).

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**Claim 2**

The rejection of base claim 1 is incorporated. Buchsbaum-Sawaichi-Billmaier further discloses *wherein access to an information transmission and/or use of the functions provided by the information transmission occurs as a function of access authorization* (Billmaier; 3:34-43).

**Claim 3**

The rejection of base claim 1 is incorporated. Buchsbaum-Sawaichi-Billmaier further discloses *wherein access to an information transmission occurs after access to the portal and call-up of a link for information transmission* (Billmaier; FIG. 5).

**Claim 5**

The rejection of base claim 1 is incorporated. Buchsbaum-Sawaichi-Billmaier further discloses *wherein the non-satellite connection between the production studio coupled to remote data processing equipment comprises a virtual private network (VPN) separate from the satellite connection* (Billmaier; see at least FIG. 5, device Conditional Access 204 which makes use of encryption technologies to prevent reception of a signal by unauthorized STBs; the CA feature thus provides the claimed virtual private network, one of the definition of which:

“ is the use of encryption in the lower protocol layers to provide secure connection through an otherwise insecure network, typically the Internet.

[www.agimo.gov.au/archive/publications\\_noie/2001/11/ar00-01/glossary](http://www.agimo.gov.au/archive/publications_noie/2001/11/ar00-01/glossary)”).

**Claim 7**

The rejection of base claim 1 is incorporated. Buchsbaum-Sawaichi-Billmaier further discloses *wherein playback of the information transmission on the data processing equipment, like PCs or workplace computers, occurs with one or more Web browsers* (Billmaier; see at least FIG. 5, Web Browser 310).

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**Claim 16**

Since Claim 16 is an independent claim that recites *an arrangement with at least one processor and/or chip setup so that a method for information exchange can be carried out, comprising* the same steps of the method recited in Claim 1, the same rejection is thus applied.

**Claim 17**

Since Claim 17 is an independent claim that recites *a computer program product stored on a computer readable storage medium for, when run on a computer, carrying out a method for information exchange, comprising* the same steps of the method recited in Claim 1, the same rejection is thus applied.

**Claim 19**

Buchsbaum discloses at least *a method for information exchange, comprising the steps of:*

*producing information transmissions in a broadcast standard wherein the information transmissions include TV information and digital information (see at least 2:42-45, 58-61; 3:1-6).*

Buschbaum does not specifically disclose that the information transmissions include *real-time video stream* and *non-video* digital information.

However, in an analogous art, Sawaichi discloses in the Description of the Prior Art section ([0002-0010] and FIG. 8; [0040] mentions real-time video information) that the uses of bidirectional video conference and remote educational systems using communications satellite and the Internet are known in the art at the time of the invention for the purpose of solving the problem of the transmission time delay incurred by the bidirectional video conference system using the Internet alone over a large distance. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Sawaichi with Buschbaum for the purpose discussed above.

Buschbaum-Sawaichi further discloses:

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*sending the information transmissions live from a production studio to a remote TV decoder via a satellite connection (see at least 3:1-6).*

Buchsbaum-Sawaichi does not specifically disclose:

*receiving the information transmission at the remote TV decoder.*

However, in an analogous art, Billmaier teaches a Media Center Extension (MCX) that can be integrated within a set top box (STB) and receives broadcast information from the broadband network 103 and transmits the received processed information to a television or PC via the home network 406 (see at least FIG. 5, device 404; [0053-0057]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the system taught by Billmaier in that of Buchsbaum-Sawaichi because the system of Billmaier applied in Buchsbaum-Sawaichi would greatly improve the interactive capability of the Buchsbaum-Sawaichi system.

Buchsbaum-Sawaichi-Billmaier further discloses:

*extracting the real-time video information and non-video digital information from the information transmissions (Billmaier; see at least FIG. 5; e.g., extracting the claimed information by the MCX to feed the video information and data—e.g., EPG and Web browser, E-mail--to TV 104 and PC 402);*

*feeding the extracted video and digital information into remote data processing equipment coupled to the remote TV decoder and connecting the data processing equipment to a data and/or communication network and accessing a main data processing equipment associated with the studio through the data and/or communication network (Billmaier; see at least FIG. 5);*

*displaying the information transmissions received via the satellite at a display device of the remote data processing equipment, including displaying both (a) the satellite-transmitted real-time video TV information and (b) the satellite-transmitted non-video digital information (Sawaichi; see at least [0002-0010] and FIG. 8, e.g., the claimed non-video data is interpreted to be Sawaichi's digital data).*

*receiving via a user input of the remote data processing equipment user interaction with the satellite-transmitted non-video digital information displayed at the*



*display device of the remote data processing equipment* (Sawaichi; FIG. 8, the claimed *user input* is being interpreted to be the Sawaichi's participant camera) *and*  
*transmitting the user interaction with the satellite-transmitted non-video digital information from the remote data processing equipment to the production studio via the non-satellite connection separate from the satellite connection, such that a real-time interactive communication is established between the satellite-transmitted information transmission and the non-satellite-transmitted use interaction* (Sawaichi; see at least [0002-0010] and FIG. 8; [0040] mentions real-time video information).

### **Claim 21**

The rejection of base claim 19 is incorporated. Buchsbaum-Sawaichi-Billmaier further discloses *wherein the step of connecting the data processing equipment includes the step of using a portal connection* (Billmaier; see at least FIG. 5; e.g., the portal connection being that of the MCX).

### **Claim 23**

The rejection of base claim 19 is incorporated. Buchsbaum-Sawaichi-Billmaier further discloses *wherein non-satellite connection between the production studio coupled to remote data processing equipment comprises a virtual private network (VPN) separate from the satellite connection* (Billmaier; see at least FIG. 5, device Conditional Access 204 which makes use of encryption technologies to prevent reception of a signal by unauthorized STBs; the CA feature thus provides the claimed virtual private network, one of the definition of which:

“ is the use of encryption in the lower protocol layers to provide secure connection through an otherwise insecure network, typically the Internet.

[www.agimo.gov.au/archive/publications\\_noie/2001/11/ar00-01/glossary](http://www.agimo.gov.au/archive/publications_noie/2001/11/ar00-01/glossary)”).

### **Claim 25**

The rejection of base claim 19 is incorporated. Buchsbaum-Sawaichi-Billmaier further discloses *wherein playback of the information transmission on the data processing equipment,*

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*like PCs or workplace computers, occurs with one or more Web browsers* (Billmaier; see at least FIG. 5, Web Browser 310).

8. Claims 4, 8-15, 18, 20, 22 and 26-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,161,934 to Buchsbaum in view of JP publication no. 2002-288353 by Sawaichi et al. ("Sawaichi") (cited by Applicants in IDS filed February 9, 2010) and further in view of U.S. Patent No. 7,380,260 to Billmaier et al. ("Billmaier") and further in view of U.S. Patent Application Publication No. 2002/0133405 by Newnam et al. ("Newnam").

#### **Claim 4**

The rejections of base claim 1 and intervening claim 2 are incorporated. Buchsbaum-Sawaichi-Billmaier does not specifically disclose *wherein access authorizations are sent by email and/or an SMS method to a selected group of persons*. However, this feature is deemed inherent to Newnam's chat facilities (see at least FIG. 9) which require an apparent authorization process because in order to join a chatroom a user has to give his/her e-mail address. See also definition below:

Chat "is a bit like e-mail in real time. Users have conversations via the keyboard in "Chat rooms" with other users. Chat has been criticized for being addictive as well as concerns over unsuitable contact between children and adults. To join a chatroom you usually have to give your e-mail address and this can lead to spam.

[www.smallbizonline.co.uk/glossary\\_of\\_internet\\_terms.php](http://www.smallbizonline.co.uk/glossary_of_internet_terms.php)"

Thus, without sending request for participation and authorization by the other party, chat session cannot be conducted.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Newnam in combination with Buchsbaum-Sawaichi-Billmaier because the feature taught by Newnam would extend the versatility of the Buchsbaum-Sawaichi-Billmaier system.

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**Claim 8**

The rejection of base claim 1 is incorporated. Buchsbaum-Sawaichi-Billmaier does not specifically disclose the claimed feature.

However, in an analogous art, Newnam discloses *means for playback of information transmissions in a Web browser, multiple windows are provided* (Newnam; see at least [0041]; FIG. 9; claim 12; [0037]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Newnam in Buchsbaum-Sawaichi-Billmaier because the use of Newnam would extend the versatility of Buchsbaum-Sawaichi-Billmaier.

**Claim 9**

The rejections of base claim 1 and intervening claim 8 are incorporated. Buchsbaum-Sawaichi-Billmaier-Newnam further discloses *wherein the windows provided for playback of information transmissions in a Web browser are sent in full screen representation* (Newnam; see at least FIG. 9).

**Claim 10**

The rejection of base claim 1 is incorporated. Buchsbaum-Sawaichi-Billmaier does not specifically disclose the claimed feature.

However, in an analogous art, Newnam discloses *wherein the software, after log-on at a portal, is installed by an initial applet on the data processing equipment or software installed on the data processing equipment is updated after log-on at the portal* (see at least [0032]; [0041]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Newnam in Buchsbaum-Sawaichi-Billmaier because the use of Newnam would extend the versatility of Buchsbaum-Sawaichi-Billmaier.

### **Claim 11**

The rejection of base claim 1 is incorporated. Buchsbaum-Sawaichi-Billmaier does not specifically disclose the claimed feature.

However, in an analogous art, Newnam discloses *wherein the functions provided by the information transmission include execution and/or evaluation of surveys, execution and/or evaluation of multiple choice tests (MCT), layout, connection and/or management of telephone connections, data transmission, especially text transmission, between the data processing equipment and production studio and/or management* (see at least [0034-0036]; [0050]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Newnam in Buchsbaum-Sawaichi-Billmaier because the use of Newnam would extend the versatility of Buchsbaum-Sawaichi-Billmaier.

### **Claim 12**

The rejections of base claim 1 and intervening claim 11 are incorporated. Buchsbaum-Sawaichi-Billmaier-Newnam does not specifically disclose *wherein surveys and/or tests are designed as HTML-programmed files*. However, this feature is deemed inherent in the Newnam's questions and answers or real-time polls and trivia to be displayed on the end-user's screen. Without using the HTML, the end-user's screen does not know how to display the questions and answers or trivias. Furthermore if there are questions and answers that require linking to another location of the same document or to another document, HTML or derivatives of HTML must be used. Moreover, Newnam, in [0041], discloses that the base software can be incorporated in other software, such as in browser, one of the definitions of which is shown below:

[a] browser, or web browser, is the software used to view web pages and interact with various kinds of Internet resources. The browser interprets the HTML used to format web documents and recreates the page on your screen. There are a variety of web browsers available, the two most common being Microsoft's Internet Explorer and Netscape's Navigator.

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**Claim 13**

The rejections of base claim 1 and intervening claim 11 are incorporated. Buchsbaum-Sawaichi-Billmaier-Newnam further discloses *wherein a time limitation is stipulated for processing of surveys and/or tests and after this time elapses, the survey and/or test files are automatically closed for processing* (Newman; see at least [0048]).

**Claim 14**

The rejection of base claim 1 is incorporated. Buchsbaum-Sawaichi-Billmaier does not specifically disclose the claimed feature.

However, in an analogous art, Newnam discloses *wherein data and/or files, like text files, sent to the production studio and/or management are conveyed as email and/or as SMS messages to one or more designatable receivers* (see at least [0035-0036]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Newnam in Buchsbaum-Sawaichi-Billmaier because the use of Newnam would extend the versatility of Buchsbaum-Sawaichi-Billmaier.

**Claim 15**

The rejection of base claim 1 is incorporated. Buchsbaum-Sawaichi-Billmaier does not specifically disclose the claimed feature.

However, in an analogous art, Newnam discloses *wherein the method is carried out in a computer program which can be downloaded from an electronic data network, like the Internet, to a data processing unit connected to the data network* (see at least [0041]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Newnam in Buchsbaum-Sawaichi-Billmaier because the use of Newnam would extend the versatility of Buchsbaum-Sawaichi-Billmaier.

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**Claim 18**

The rejection of base claim 17 is incorporated. Since Claim 18 recites the same features of Claim 15, the same rejection is thus applied.

**Claim 20**

The rejection of base claim 19 is incorporated. Buchsbaum-Sawaichi-Billmaier does not specifically disclose the claimed feature. However, in an analogous art, Newnam discloses *authorizing the access to the main data and/or communication equipment associated with the studio* (Newnam; see at least [0029]; accessing WebTV using dial-up communication requires authentication).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the feature taught by Newnam in Buchsbaum-Billmaier because the use of Newnam would provide improved security to Buchsbaum-Billmaier system.

**Claim 22**

The rejections of base claim 19 and intervening claim 20 are incorporated. Buchsbaum-Sawaichi-Billmaier-Newnam does not specifically disclose *wherein access authorizations are sent by email and/or an SMS method to a selected group of persons*. However, this feature is deemed inherent to Newnam's chat facilities (see at least FIG. 9) which require an apparent authorization process because in order to join a chatroom a user has to give his/her e-mail address. See also definition below:

Chat "is a bit like e-mail in real time. Users have conversations via the keyboard in "Chat rooms" with other users. Chat has been criticized for being addictive as well as concerns over unsuitable contact between children and adults. To join a chatroom you usually have to give your e-mail address and this can lead to spam.

[www.smallbizonline.co.uk/glossary\\_of\\_internet\\_terms.php](http://www.smallbizonline.co.uk/glossary_of_internet_terms.php)"

Thus, without sending request for participation and authorization by the other party, chat session cannot be conducted.

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**Claim 26**

The rejection of base claim 19 is incorporated. Buchsbaum-Sawaichi-Billmaier does not specifically disclose the claimed feature. However, in an analogous art, Newnam discloses *wherein, for playback of video and digital information in a Web browser, multiple windows are provided* (see at least [0041]; FIG. 9; claim 12; [0037]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Newnam in Buchsbaum-Sawaichi-Billmaier because the use of Newnam would improve the interactive experience of users of the Buchsbaum-Sawaichi-Billmaier system.

**Claim 27**

The rejections of base claim 19 and intervening claim 26 are incorporated. Buchsbaum-Sawaichi-Billmaier-Newnam further discloses *wherein the windows provided for playback of information transmissions in a Web browser are sent in full screen representation* (Newnam; see at least FIG. 9).

**Claim 28**

The rejection of base claim 19 is incorporated. Buchsbaum-Sawaichi-Billmaier does not specifically disclose the claimed feature. However, in an analogous art, Newnam discloses *wherein a software, after connection to the main data processing equipment, is installed by an initial applet on the data processing equipment or software installed on the data processing equipment is updated after the connection* (see at least [0032]; [0041]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the feature disclosed in Newnam in Buchsbaum-Sawaichi-Billmaier because of Newnam would enhance the interactivity and facilitate the maintenance of Buchsbaum-Sawaichi-Billmaier.

**Claim 29**

The rejection of base claim 19 is incorporated. Buchsbaum-Sawaichi-Billmaier does not specifically disclose the claimed feature. However, in an analogous art, Newnam discloses

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*wherein the functions provided by the information transmission include execution and/or evaluation of surveys, execution and/or evaluation of multiple choice tests (MCT), layout, connection and/or management of telephone connections, data transmission, especially text transmission, between the data processing equipment and production studio and/or management (Newnam; see at least [0034-0036]; [0050]).*

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the feature disclosed in Newnam in Buchsbaum-Sawaichi-Billmaier because of Newnam would enhance the interactivity and facilitate the maintenance of Buchsbaum-Sawaichi-Billmaier.

### **Claim 30**

The rejections of base claim 19 and intervening claim 29 are incorporated. Buchsbaum-Sawaichi-Billmaier-Newnam does not specifically disclose *wherein surveys and/or tests are designed as HTML-programmed files*. However, this feature is deemed inherent in the Newnam's questions and answers or real-time polls and trivia to be displayed on the end-user's screen. Without using the HTML, the end-user's screen does not know how to display the questions and answers or trivias. Furthermore if there are questions and answers that require linking to another location of the same document or to another document, HTML or derivatives of HTML must be used. Moreover, Newnam, in [0041], discloses that the base software can be incorporated in other software, such as in browser, one of the definitions of which is shown below:

[a] browser, or web browser, is the software used to view web pages and interact with various kinds of Internet resources. The browser interprets the HTML used to format web documents and recreates the page on your screen. There are a variety of web browsers available, the two most common being Microsoft's Internet Explorer and Netscape's Navigator.

[www.liv.ac.uk/webteam/glossary/](http://www.liv.ac.uk/webteam/glossary/)



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**Claim 31**

The rejections of base claim 19 and intervening claim 29 are incorporated. Buchsbaum-Sawaichi-Billmaier-Newnam further discloses *wherein a time limitation is stipulated for processing of surveys and/or tests and after this time elapses, the survey and/or test files are automatically closed for processing* (Newman; see at least [0048]).

**Claim 32**

The rejection of base claim 19 is incorporated. Buchsbaum-Sawaichi-Billmaier does not specifically disclose the claimed feature. However, in an analogous art, Newnam discloses *wherein data and/or files, like text files, sent to the production studio and/or management are conveyed as email and/or as SMS messages to one or more designatable receivers* (Newnam; see at least [0035-0036]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Newnam in Buchsbaum-Sawaichi-Billmaier because the use of Newnam would improve the interactivity and facilitate the maintenance of Buchsbaum-Sawaichi-Billmaier.

**Claim 33**

The rejection of base claim 19 is incorporated. Buchsbaum-Sawaichi-Billmaier does not specifically disclose the claimed feature. However, in an analogous art, Newnam discloses *wherein the method is carried out in a computer program which can be downloaded from an electronic data network, like the Internet, to a data processing unit connected to the data network* (Newnam; see at least [0041]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Newnam in Buchsbaum-Sawaichi-Billmaier because the use of Newnam would improve the interactivity and facilitate the maintenance of Buchsbaum-Sawaichi-Billmaier.

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9. Claims 6 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,161,934 to Buchsbaum in view of JP publication no. 2002-288353 by Sawaichi et al. (“Sawaichi”) (cited by Applicants in IDS filed February 9, 2010) and further in view of U.S. Patent No. 7,380,260 to Billmaier et al. (“Billmaier”).

#### **Claim 6**

The rejection of base claim 1 is incorporated. Buchsbaum-Sawaichi-Billmaier does not specifically disclose *wherein speech communication occurs as voiceover IP (VoIP) via an audio feedback channel*. However, the examiner takes Official Notice that

“**[v]oice over Internet Protocol**, also called **VoIP, IP Telephony, Internet telephony, Broadband telephony, Broadband Phone** and **Voice over Broadband**” which “is the routing of voice conversations over the Internet or through any other IP-based network” is old and well established in the art and that

“**[c]ompanies providing VoIP service are commonly referred to as providers, and protocols which are used to carry voice signals over the IP network are commonly referred to as Voice over IP or VoIP protocols. They may be viewed as commercial realizations of the experimental Network Voice Protocol (1973) invented for the ARPANET providers**” for the following puposes:

“**[V]oIP is location independent, only an internet connection is needed to get a connection to a VoIP provider; for instance call center agents using VoIP phones can work from anywhere with a sufficiently fast and stable Internet connection.**

VoIP phones can integrate with other services available over the Internet, including video conversation, message or data file exchange in parallel with the conversation, audio conferencing, managing address books and passing information about whether others (e.g. friends or colleagues) are available online to interested parties.”

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have included VoIP in Buchsbaum-Sawaichi-Billmaier because the

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skilled artisan would have recognized that the advantages of integrating VoIP with other services using IP protocol in Buchsbaum-Sawaichi-Billmaier would enhance the information exchange taught therein.

#### **Claim 24**

The rejection of base claim 19 is incorporated. Buchsbaum-Sawaichi-Billmaier does not specifically disclose *wherein speech communication occurs as voiceover IP (VoIP) via an audio feedback channel*. However, the examiner takes Official Notice that

“**[v]oice over Internet Protocol**, also called **VoIP**, **IP Telephony**, **Internet telephony**, **Broadband telephony**, **Broadband Phone** and **Voice over Broadband**” which “is the routing of voice conversations over the Internet or through any other IP-based network” is old and well established in the art and that

“**[c]ompanies providing VoIP service are commonly referred to as providers, and protocols which are used to carry voice signals over the IP network are commonly referred to as Voice over IP or VoIP protocols. They may be viewed as commercial realizations of the experimental Network Voice Protocol (1973) invented for the ARPANET providers**” for the following puposes:

“**[V]oIP is location independent, only an internet connection is needed to get a connection to a VoIP provider; for instance call center agents using VoIP phones can work from anywhere with a sufficiently fast and stable Internet connection.**

VoIP phones can integrate with other services available over the Internet, including video conversation, message or data file exchange in parallel with the conversation, audio conferencing, managing address books and passing information about whether others (e.g. friends or colleagues) are available online to interested parties.”

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have included VoIP in Buchsbaum-Sawaichi-Billmaier because the skilled artisan would have recognized that the advantages of integrating VoIP with other

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services using IP protocol in Buchsbaum-Sawaichi-Billmaier would enhance the information exchange taught therein.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu “Antony” Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:30 pm.

If attempts to reach the examiner are unsuccessful, the examiner’s supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2400 Group receptionist (571) 272-2400.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Hoang-Vu Antony Nguyen-Ba/

Primary Examiner, Art Unit 2421

August 14, 2010

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